

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ERIK BOBADILLA RODRIGUEZ,)	CASE NO. C05-2082-RSM-MJB
)	
Petitioner,)	
)	
v.)	ORDER GRANTING PETITIONER'S
)	PETITION FOR WRIT OF HABEAS
ALBERTO GONZALES, <i>et al.</i> ,)	CORPUS
)	
Respondents.)	
_____)	

The Court, having reviewed the petition for writ of habeas corpus, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, petitioner's Objections, and the remaining record, finds and Orders as follows:

- (1) The Court adopts the Report and Recommendation with the following additional comments below;
- (2) The petition for writ of habeas corpus (Dkt. #1) is GRANTED;
- (3) Respondents' motion to dismiss (Dkt. #14) is DENIED;
- (4) This matter is REMANDED to the District Director for the purpose of evaluating petitioner's request for extension of voluntary departure in accordance with the Transitional Rules of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 within 30 days of the date of this Order;

01 (5) The current stay of voluntary departure granted by this Court shall REMAIN IN
02 EFFECT until respondents have issued a decision on petitioner's request for
03 voluntary departure;

04 (6) In the event that petitioner's request for voluntary departure is not granted, this
05 Court's stay of voluntary departure shall remain in effect for 20 days from the date
06 respondents' decision is issued so that petitioner may re-file his habeas petition
07 under 28 U.S.C. § 2241 in this Court under the same docket number; and

08 (7) The Clerk shall send a copy of this Order to all counsel of record, and to the
09 Honorable Monica J. Benton.

10 DATED this 13 day of June 2006.

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14 RICARDO S. MARTINEZ
15 UNITED STATES DISTRICT JUDGE
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